

**BOROUGH OF NORWOOD**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING CHAPTER 168 OF THE CODE OF THE  
BOROUGH OF NORWOOD REGARDING "PARKS AND RECREATION AREAS"  
TO REQUIRE CRIMINAL HISTORY BACKGROUND CHECKS**

**WHEREAS**, the purpose of this ordinance is to add provisions in the Code of the Borough of Norwood to require criminal history background checks for Borough employees and volunteers involved with Borough recreation programs for minors.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Norwood as follows:

Section 1: Chapter 168 of the Code of the Borough of Norwood is amended to add the following:

**ARTICLE III**

**Criminal History Record Background Checks  
for Borough Employees and Volunteers Involved with Borough  
Programs or Services for Minors**

**§168-15. Definitions.**

As used in this section, the following terms shall have the meanings indicated:

- A. Appeal Panel** - A panel of three persons consisting of the Chief of Police, the Borough Administrator, and the Mayor or one member of the Council appointed by the Mayor.
- B. Criminal History Background Check** - A determination as to whether a person has a criminal record by cross-referencing a person's name, date of birth, social security number and/or fingerprints with those on file with the Federal Bureau of Investigation, New Jersey State Police and any other agency maintaining criminal records.

- C. **Department** - The Norwood Police Department.
- D. **Recreation Programs** - All programs involving persons under the age of 18 years operated by or under the direction of, or any activity sponsored by or performed under the auspices of, the Norwood Recreation Committee.

**§168-16. Request for Criminal Background Checks, Costs.**

- A. The Borough is hereby authorized to contract for or otherwise implement a process to conduct criminal history background checks with respect to all volunteers, coaches, assistant coaches, and/or any other persons who are over the age of 18 years and who are participating or are applying to participate in any Recreation Program, including all persons acting as a volunteer coach, or in any other capacity in connection with any Recreation Program, or any person otherwise coming into contact with children in any capacity as a participant in any activity sponsored by or performed under the auspices of the Borough or the Borough Recreation Committee. The criminal history background check shall be performed by the persons or entity selected by the Borough to conduct the background check and shall be performed in compliance with all applicable statutes and regulations.
- B. The Borough will pay all costs associated with conducting criminal history background checks.
- C. No criminal history background check shall be performed unless authorized by consent, in writing, by the individual for whom the criminal history background check is to be made. If any person refuses to consent to a criminal history background check, this will constitute a basis for the immediate disqualification of that person for participation in any Recreation Program.

**§168-17. Submissions, Exchanges of Background Check Information.**

- A. Prospective or current employees and volunteers of Recreation Programs shall submit their name, address, fingerprints, other required information, and written consent to the Department for the criminal history record background check to be performed. The Department shall submit this documentation to the State Bureau of Identification.

- B. The Department shall act as a clearinghouse for the collection and dissemination of information obtained as a result of conducting criminal history record background checks pursuant to this ordinance.
- C. All criminal history record background checks shall be performed in compliance with the provisions of N.J.S.A. 15A:3A-1 *et seq.*, N.J.A.C. 13:59-1.1 *et seq.*, and all other applicable laws and regulations.

**§168-18. Conditions Under Which a Person Disqualified From Service.**

- A. A person may be disqualified from serving as an employee or volunteer of a Recreation Program if that person's criminal history record background check reveals a record of conviction of any of the crimes or offenses listed in this section.
  - (1) In New Jersey, any crime or disorderly persons offense:
    - (a) Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A., 2C:11-1 *et seq.*, N.J.S.A. 2C:12-1 *et seq.*, N.J.S.A. 2C:13-1 *et seq.*, N.J.S.A. 2C:14-1 *et seq.*, or N.J.S.A. 2C:15-1 *et seq.*;
    - (b) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1, *et seq.*;
    - (c) Involving theft as set forth in chapter 20 of Title 2C of the New Jersey Statutes; or
    - (d) Involving any controlled dangerous substance or controlled substance analog as set forth in chapter 35 of Title 2C of the New Jersey Statutes except paragraph (4) of subsection (a) of N.J.S.A. 2C:35-10.
  - (2) In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons' offenses described in subsection (A)(1) of this section.
- B. For purposes of interpreting the information recorded in a criminal history record to determine the qualifications of the employee or volunteer involved or applying to be involved with Recreation Programs, the Borough shall presume that the employee or volunteer is innocent of any charges or arrests for which there are no final dispositions on the record.

- C. The recommendation whether the information contained in the criminal history record is sufficient to disqualify an employee or volunteer shall be made by the Department based upon the information provided by the State Police. Any employee or volunteer dissatisfied with the determination shall be entitled to file an appeal with the Appeal Panel created by this Ordinance.

**§168-19. Limitations on Access and Use of Criminal History Record Background Checks.**

- A. Access to criminal history record information for non-criminal justice purposes, including licensing and employment, is restricted to the Department, as authorized by Federal or State statute, rule or regulations, executive order, administrative code, local ordinance or resolution regarding obtaining and dissemination of criminal history record information obtained under this ordinance.
- B. The Department shall limit its use of criminal history record information solely to the authorized purpose for which it was obtained. Criminal history record information furnished shall not be disseminated to persons or organization not authorized to receive the records for authorized purposes. This record shall be destroyed immediately after it has served its intended and authorized purpose. Any person violating Federal or State regulations governing access to criminal history record information may be subject to criminal and/or civil penalties.

**§168-20. Disqualification and Appeal.**

- A. The initial determination as to whether a criminal record background check discloses a conviction for a crime or disorderly persons offense that would disqualify a person from participating in a Recreation Program shall be made by the individual or entity authorized by the Borough to perform criminal record background checks. This initial determination shall be communicated only to the Borough Administrator and to the person to whom the criminal history background check applies.
- B. Access to criminal record information secured by the individual or entity performing the criminal history record background check is restricted to said individual or entity and shall not be released to the Borough

Administrator or the individual for whom the criminal history record check has been performed.

- C. If a criminal record background check results in a recommendation that a person should be disqualified from participating in a Recreation Program, the person shall be so advised and may appeal the recommendation by filing a written notice of appeal with the Borough Administrator no later than 20 days after receiving notice of the disqualification from the Borough. A person filing an appeal shall be afforded an adequate opportunity to confirm or deny any information contained in the criminal history record, and a reasonable period of time to correct or complete the record before any final determination or decision is made concerning the person's eligibility for any position. Any appeal shall be heard by the Appeal Panel within 20 days after the filing of the written notice of appeal. The Appeal Panel shall conduct a hearing, upon the request of the person, and render a final determination as to whether the person should be disqualified only after affording the person a reasonable period of time to correct or complete the record before a final determination or decision concerning the person's eligibility for participation in Recreation Programs is made.
- D. Any information obtained by the individual or entity authorized by the Borough to perform criminal history background checks shall not be available or disclosed to the public. Any information conveyed to the Borough Administrator or to the Appeal Panel shall be exempt from disclosure pursuant to the New Jersey Open Public Records Act and shall be considered privileged and confidential information, to the full extent remitted by law.
- E. If the criminal history record obtained may disqualify an applicant or existing employee or volunteer for any purpose, the disqualified person shall have an opportunity to complete and challenge the accuracy of the information contained in the criminal history record. The disqualified person shall be afforded a reasonable period of time to correct and complete this record. A person is not presumed guilty of any charges or arrests for which there are no final dispositions indicated on the record.

Section 2: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of any inconsistencies.

Section 3: The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional or invalid by any court, the remaining parts of this ordinance will remain in full force and effect.

Section 4: This ordinance shall take effect upon final approval and publication, according to law.

Introduced and passed first reading:

Passed second reading:

ATTEST:

APPROVED BY:

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Lorraine L. McMackin,  
Borough Clerk

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James P. Barsa, Mayor